

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

VERMONT INSURANCE

V.

CIVIL ACTION NO. 05-10307-JLT

DAVID's FLOOR

TRIAL ORDER

TAURO, D.J.:

The captioned action will be called for trial on Monday, August 28, 2006 at 10:00 a.m.

Counsel shall meet and confer for the purposes of preparing, either jointly or separately, Pretrial Memoranda for submission to the court 5 DAYS PRIOR TO TRIAL . Memoranda shall set forth:

- 1. A concise summary of the evidence that will be offered by (a) Plaintiff; (b) Defendant; (c) other parties, with respect to both liability and damages (including special damages, if any).**
- 2. The facts established by the pleadings or by stipulations or admissions of counsel.**
- 3. Contested issues of fact.**
- 4. Any jurisdictional questions.**
- 5. Any questions raised by pending motions.**
- 6. Issues of law, including evidentiary questions, with supporting authority.**
- 7. Any requested amendments to the pleadings.**
- 8. Any additional matters to aid in the disposition of the action.**
- 9. The probable length of the trial.**
- 10. The names of witnesses to be called (expert and others).**
- 11. The proposed exhibits.**

Page 2 of 2

12. Motions in limine.

A trial brief, if warranted, including requests for rulings or instructions, shall be filed .

THREE(3) DAYS PRIOR TO COMMENCEMENT OF TRIAL. Each party may supplement such requests at trial if the evidence develops otherwise than anticipated.

All exhibits to be used at trial shall be pre-marked and a list prepared and submitted to the clerk at commencement of trial.

Plaintiff shall use numbers, defendants shall use letters.

Failure to comply with any of the directions set forth above may result in dismissal, default, or the imposition of other sanctions deemed appropriate by the court.

By the Court,
Zita Lovett,

/s/

DATE: 7/10/2006

DEPUTY CLERK